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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,989	07/24/2001	Charles D. Cranor	2001-0227	5226

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EXAMINER

TRAN, AMY

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,989

Applicant(s)

CRANOR ET AL.

Examiner

Amy Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 24, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This action is responsive to the application filed on July 24, 2001. Claims 1-24 are pending examination. Claims 1-24 represent method and apparatus for packet analysis in a network.

Objection to Specification

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-24 are rejected under 35 U.S.C. 102(a) as being unpatentable over Coss et al. US Patent No. 6,154,775.

As to claim 1, Coss et al., here after referred as Coss, teaches a method of monitoring traffic in a network comprising the steps of:
receiving a data packet at a network interface (column 6 lines 28-29) further comprising a run-time system interacting with one or more processing blocks through an application programming interface (firewall); and processing information in the data packet at a processing block (column 6 line 28-column 7 line 9, processing blocks for filtering IP packets), thereby generating output using the application programming interface which can be relayed from the network interface to the host (column 7 lines 8-9).

As to claim 2, Coss teaches the network interface comprises a plurality of processing blocks and wherein a plurality of outputs are generated by the processing blocks which can be relayed from the network interface to the host (column 6 line 28-column 7 line 9, processing blocks for filtering IP packets before sending the packets to the appropriate interface).

As to claim 3, Coss teaches the processing blocks are generated from a processing query expressed in a high-level language (column 4 lines 20-26, wherein Coss teaches an asterisk "*", which is used as a wildcard in high-level language such as SQL, is used for wildcard entries to search/filter out the category in the rule table).

As to claim 4, Coss teaches the processing query accesses functions defined in the run-time system (column 8 lines 35-40).

As to claim 5, Coss teaches the outputs are condensed statistics of network performance (column 5 line 58).

As to claim 6, Coss teaches the processing block performs filtering on the information in the data packet (column 5 line 36-column 7 line 27, processing blocks for filtering IP packets).

As to claim 7, Coss teaches the processing block performs a transformation on the information in the data packet (column 4 lines 11-20, network address translation, encryption can be performed on the information in the IP packets).

As to claim 8, Coss teaches the processing block performs aggregation on the information in the data packet (column 5 line 36-column 7 line 27, information in the IP packets are aggregated and stored in the cache).

As to claim 9, Coss teaches the run-time system can pass parameters to the processing block, thereby changing the processing performed by the processing block (column 8 lines 28-40, the IP packet processing performed by the processing blocks can be changed dynamically).

As to claim 10, Coss teaches the run-time system can instantiate new processing blocks dynamically (column 8 lines 27-59, the processing performed by the processing blocks can be changed dynamically).

As to claim 12, Coss teaches the data packet is an Internet Protocol datagram (column 6 lines 28-29).

As to claim 13, Coss teaches an apparatus for monitoring traffic in a network comprising:
a run-time system which can execute at a network interface and receive information from data packets in a network (column 6 lines 28-29) ; and one or more processing blocks interacting with the run-time system through an application program interface such that the processing blocks can process the information in the data packets (column 6 line 28-column 7 line 9, processing blocks for filtering IP packets) and generate output using the application program interface which can be relayed from the network interface to the host (column 7 lines 8-9).

As to claim 14, Coss teaches the apparatus comprises a plurality of processing blocks and wherein a plurality of outputs are generated by the processing blocks which can be relayed from the network interface to the host (column 6 line 28-column 7 line 9, processing blocks for filtering IP packets before sending the packets to the appropriate interface).

As to claim 15, Coss teaches the processing blocks are generated from a processing query expressed in a high-level language (column 4 lines 20-26, wherein Coss teaches an asterisk "*", which is used as a wildcard in high-level language such as SQL, is used for wildcard entries to search/filter out the category in the rule table).

As to claim 16, Coss teaches the processing query accesses functions defined in the run-time system (column 8 lines 35-40).

As to claim 17, Coss teaches the outputs are condensed statistics of network performance (column 5 line 58).

As to claim 18, Coss teaches the processing block performs filtering on the information in the data packet (column 5 line 36-column 7 line 27, processing blocks for filtering IP packets).

As to claim 19, Coss teaches the processing block performs a transformation on the information in the data packet (column 4 lines 11-20, network address translation, encryption can be performed on the information in the IP packets).

As to claim 20, Coss teaches the processing block performs aggregation on the information in the data packet (column 5 line 36-column 7 line 27, information in the IP packets are aggregated and stored in the cache).

As to claim 21, Coss teaches the run-time system can pass parameters to the processing block, thereby changing the processing performed by the processing block (column 8 lines 28-40, the IP packet processing performed by the processing blocks can be changed dynamically).

As to claim 22, Coss teaches the run-time system can instantiate new processing blocks dynamically (column 8 lines 27-59, the IP packet processing performed by the processing blocks can be changed dynamically).

As to claim 24, Coss teaches the data packet is an Internet Protocol datagram (column 6 lines 28-29).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coss US Patent 6,498,782 in view of Branstad et al. US Patent 6,498,782.

Coss teaches the invention substantially as claimed including method for a computer network firewall with dynamic rule processing with the ability to dynamically alter the operations of rules (see abstract).

As to claim 11, Coss teaches the method of claim 1. Coss does not teach "Gigabit Ethernet network". However, Branstad teaches method and Gigabit Ethernet communications adapter are provided for implementing communications in a communication network (see abstract, column 3 line 39-column 4 line 3).

It would have been obvious to one of ordinary skill in the art to modify Coss by including Gigabit Ethernet network as taught by Branstad because doing so allow the system to use/implement/take the advantage of the Gigabit Ethernet communication adapter to support the integration of high speed data traffic and to provide quality of service.

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As to claim 23, Coss teaches the method of claim 13. Coss does not teach "Gigabit Ethernet network". However, Branstad teaches method and Gigabit Ethernet communications adapter are provided for implementing communications in a communication network (see abstract, column 3 line 39-column 4 line 3).

It would have been obvious to one of ordinary skill in the art to modify Coss by including Gigabit Ethernet network as taught by Branstad because doing so allow the system to use/implement/take the advantage of the Gigabit Ethernet communication adapter to support the integration of high speed data traffic and to provide quality of service.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Tran whose telephone number is (571) 272-4243. The examiner can normally be reached on M-F from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 12, 2004

at


MOUSTAFA M. MEKY
PRIMARY EXAMINER